
Appeal Decision

Site visit made on 7 February 2017

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2017

Appeal Ref: APP/T3725/D/16/3164685

Heyesdale, 20 Waverley Road, Kenilworth CV8 1JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs A Best against the decision of Warwick District Council.
 - The application Ref W/16/1515, dated 15 August 2016, was refused by notice dated 11 October 2016.
 - The development proposed is a single storey extension to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the appearance of the Kenilworth Conservation Area (KCA) and the effect on the living conditions of the neighbouring occupiers at No 22 Waverley Road with respect to their outlook and light.

Reasons

Appearance of the KCA

3. The part of the KCA within which the site is located is detached from the majority of the KCA and mostly comprises the rows of large semi-detached Victorian or Edwardian properties along Waverley Road. The main significance of this part of the KCA is provided by the street scene, however I consider the rear of the buildings also contribute to the significance as the regularity in the widths, heights, materials and forms of the houses creates a strong characteristic.
 4. The row of houses, in which the appeal site is located, all have single storey projecting wings. There is a degree of variation in the shape of these wings, particularly in the shape of their roofs. However none of these wings extend across the full width of the main houses, which leads to a distinctive rhythm.
 5. The proposed extension would fill in the gap between the existing rear wing at the site and the boundary with No 22. This would mean single storey structures would stretch across the full width of the main house. This would disrupt the rhythm of the rear elevation of the row of houses when seen from positions west of the site, beyond the KCA boundary, and from the rear gardens of some of the other properties on this side of Waverley Road.
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6. I have had regard to the other examples of rear extensions in the vicinity provided by the appellant. However whilst I accept that rear extensions that substantially fill the width of the plots are not uncommon in this part of the KCA, none are present in the immediate context of the appeal site. It is the regularity of this context that contributes to the significance of the KCA and the loss of this characteristic would harm the appearance of the KCA.
7. I consider therefore, that the extension would not preserve the appearance of the KCA and so would fail to accord with Policy DAP8 of the Warwick District Local Plan (the 'Local Plan') which requires development to preserve or enhance the special interest of conservation areas.
8. However, the harm to the significance of the KCA would be less than substantial and therefore it is necessary, in accordance with paragraph 134 of the Framework, to consider any public benefits from the proposal. I do not consider this domestic extension would provide any public benefit that would outweigh the harm that the proposal would cause to the appearance of the KCA.

Living conditions

9. There are a set of patio doors on the rear elevation of the main part of the house at No 22. There is a brick wall on the common boundary which is around two metres in height. The eaves of the proposed extension would be approximately at this height and therefore the only part of the extension visible above the boundary wall would be its roof.
10. Although the extension would cross a line taken at 45° from the neighbour's patio doors, the outlook from these doors would remain reasonably open as the wide gap between the boundary wall and the rear wing at No 22 would remain and there is little other tall or significantly large development to restrict the view. As such, whilst the outlook from these patio doors would be marginally affected by the extension I consider it would remain to be acceptable. Also due to the open outlook, I consider any reduction in the amount of light received by the patio doors as a result of the extension would not be significant.
11. Consequently, I do not consider the extension would result in a loss of outlook from, or a loss of light to, the neighbouring property and therefore the living conditions of its occupiers would not be adversely affected. As such, whilst the extension would conflict with the technical guidance in the Council's 45 Degree Guideline Supplementary Planning Guidance, the proposal would accord with the aim of Policy DP2 of the Local Plan which is to ensure development does not have any adverse impact on the amenity of neighbouring residents.

Conclusions

12. Whilst I consider the development would not harm the living conditions of the neighbouring occupiers, this does not outweigh the harm that would be caused to the appearance of the KCA. As such, for the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR